

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Ibert Clifton Wells

Title: ANTAGONISTS OF THE MAGNESIUM BINDING DEFECT AS THERAPEUTIC  
AGENTS AND METHODS FOR TREATMENT OF ABNORMAL PHYSIOLOGICAL  
STATES

**DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a Divisional Patent Application under 37 C.F.R. 1.53(b).

**Continuing Application Information:**

- ☐ Continuation      ☒ Divisional      ☐ Continuation-in-Part (CIP)
- ☒ Prior U.S. Application Serial No.: 10/230,133, filed August 29, 2002, which is a divisional application of U.S. Application Serial No. 09/635,266, filed August 9, 2000 (now U.S. Patent No. 6,455,734).

**Prior Application Information:**

- ☒ Examiner: Shailendra Kumar  
☒ Group/Art Unit: 1621

**Application Elements:**

- ☒ Application transmittal containing Fee Calculation and Certificate of Mailing by "Express Mail".
- ☒ A check in the amount of \$ 622.00 to cover the application filing fee.
- ☒ Applicant claims small entity status.
- ☒ Application Cover Sheet, Specification, Claims (1- 32) and Abstract of the Disclosure (34 total pages).
- ☐ Original drawings (Figures 1-\_\_\_\_, [ ] total sheet/s)].
- ☒ Declaration and Power of Attorney ( 1 document) (1 total page).
- ☐ Newly-executed [original/s] [copy/ies].
- ☒ Copy from a prior application pursuant to 37 C.F.R. 1.63(d).

**Certificate of Mailing by "Express Mail" (37 C.F.R. 1.10)**

Express Mail Label No.: EV 258727852 US

Date of Deposit: October 28, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Lora Gurley

Signature: Lora Gurley

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

**Accompanying Application Parts:**

- ☐ Patent Assignment Recordation Form Cover Sheet and Assignment (2 total pages).  
☐ A check in the amount of \$ 40.00 to cover the Assignment recordation filing fee.  
☒ **The prior application is Assigned of record to Magnesium Diagnostics, Inc. and was recorded on December 11, 2002 at Reel 013291/Frame 0463 (2 pages).**

**Documents reflecting change in Power of Attorney/Correspondence Address.**

- ☐ [Revocation of] Power of Attorney [and Appointment of New Power of Attorney] [by Assignee]. [Change of Correspondence Address –Application (PTO/SB/122).]  
☐ Certificate Under 37 C.F.R. § 3.73(b) (where there is an Assignee).  
☒ Information Disclosure Statement (IDS) and PTO/SB/08A (PTO-1449).  
☐ Copies of IDS Citations.  
☐ A Petition for Extension of Time is being filed concurrently in the prior application ([ ] total pages).  
☐ Preliminary Amendment ([ ] total pages).  
☐ Petition to Make Special Under 37 C.F.R. § 1.102(c) ([ ] total pages).  
☒ Itemized Return Receipt Post Card.  
☐ Certified copy of priority document(s) (if foreign priority is claimed).  
☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i).  
☒ Other: Nucleotide and/or Amino Acid Sequence Submission: Computer Readable Form (CRF); Specification Sequence Listing on paper; Statement Under § 1.821(f)

**Fee Calculation:**

	Filed				Extra		Rate		Calculations
Basic Fee									\$770
Total Claims	32	-	20	=	12	x	\$18	=	216
Independent Claims	6	-	3	=	3	x	\$86	=	258
Multiple Dependent Claims (one time fee)					0	x	\$290	=	0
<b>Total Fee:</b>									<b>\$ 1244.00</b>
<input checked="" type="checkbox"/> <b>Small Entity Fee Reduction of 50%:</b>									<b>\$ 622.00</b>

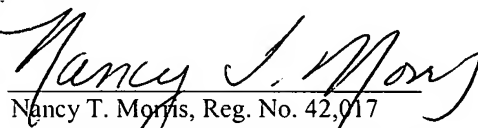
**DIRECT ALL CORRESPONDENCE TO: CUSTOMER NUMBER 27910**

Pursuant to the provisions of 37 C.F.R. §§ 1.10 and 1.53(a), Applicant(s) respectfully request(s) that this application be assigned a serial number and a filing date of October 28, 2003, the date upon which the Application was mailed to the United States Patent and Trademark Office by Express Mail.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:



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